

*a City-County  
agency providing public Planning  
Services to the City of Charlotte and  
the unincorporated areas of  
Mecklenburg County*

# Planning Commission

Mar 3, 2014  
work session

Charlotte-Mecklenburg  
Government Center

Innovation Station  
8th Floor  
Noon



# Charlotte-Mecklenburg Planning Commission

## Work Session Agenda

March 3, 2014 – Noon

CMGC – Innovation Station 8<sup>th</sup> Floor

---

### Call to Order & Introductions

Tracy Dodson

### Administration

#### **Certificates of Appreciation**

Present certificates of Appreciation to former Commissioners Steven Firestone and Council Member Greg Phipps.

#### **Approval of Planning Commission Minutes**

Approve the February 3, 2014 minutes.

*Attachment 1*

### Policy

#### **Mobile Farmers' Market Text Amendment**

Katrina Young

**Background:** Staff will provide an overview of the Mobile Farmers' Market Text Amendment.

**Action:** No action required.

#### **Mobile Food Vendors' Text Amendment**

Katrina Young

**Background:** Staff will provide an overview of the Mobile Food Vendors' Text Amendment.

**Action:** No action required.

### Information

#### **Planning Director's Report**

Debra Campbell

- Planning Department's Public Outreach Presentations

*Attachment 2*

#### **March & April 2014 Meeting Schedules**

*Attachment 3*

### **Committee Reports**

- **Executive Committee**

Tracy Dodson

- January 21, 2014 Approved Minutes
- Future Work Session Agenda Items

*Attachment 4*

| Future Work Session Agenda Item(s) | Work Session |
|------------------------------------|--------------|
| Community Investment Plan          | April        |

- **Zoning Committee**

Tracy Dodson

- Upcoming Rezoning Petitions
- Zoning Committee Agenda
- Zoning Committee Public Hearings

Tammie Keplinger

*Attachment 5*

*Attachment 6*

- **Planning Committee**

Tony Lathrop

- January 21, 2014 Approved Minutes

*Attachment 7*

- **Historic District Commission (HDC)**

Karen Labovitz

- **Charlotte Regional Transportation Planning Organization (CRTPO)**

Andy Zoutewelle

**Communication from Chairperson**

- Planning Commission Involvement in Public Input Processes Initiated by Planning Staff
- Communication Committee

Tracy Dodson  
*Attachment 8*

# Charlotte-Mecklenburg Planning Commission

Attachment 1

February 3, 2014 – Noon

CMGC – Room 267

Action Minutes

---

## Call to Order & Introductions

Chairperson Dodson called the meeting to order at 12:15 p.m., followed by introductions.

## Attendance

**Commissioners Present:** Tracy Dodson (Chairperson), Emma Allen, Ray Eschert, Randy Fink, Karen Labovitz, Tony Lathrop (Vice-Chairperson), Tom Low, Dionne Nelson, Deb Ryan, Dwayne Walker, Cozzie Watkins and Andy Zoutewelle

Commissioner Watkins arrived at 12:38 p.m.

**Commissioner Absent:** Michael Sullivan

Commissioner Allen left the meeting from 1:05 - 1:08 p.m. and 1:16 - 1:18 p.m.

Chairperson Dodson left the meeting from 1:16 - 1:21 p.m.

Commissioner Low left the meeting from 12:35 - 12:48 p.m.

**Planning Staff Present:** Debra Campbell (Director), Kathy Cornett, Alan Goodwin, Laura Harmon, Tammie Keplinger, Melony McCullough, Kent Main, Cheryl Neely and Michelle Barber (temporary employee)

**Guest:** Terry Shook, Shook Kelley, Inc. (Consulting Firm)

## Administration

### **Approval of Planning Commission Minutes**

Commissioner Allen made a motion to approve the January 6, 2014 work session minutes. The motion was seconded by Commissioner Eschert. The vote was 11-0 to approve the minutes.

## Policy

### **Transit Station Area Design Issues**

Debra Campbell introduced Terry Shook. Ms. Campbell explained that Mr. Shook was hired to identify ways that the design standards in our Transit Oriented Districts can be improved to help achieve better development. She stated that Mr. Shook had previously presented this information to staff, Center City Partners and others who are interested in the character of our station areas and transit oriented development. Staff thought the Commission could benefit from this information and invited Terry Shook to the work session.

Mr. Shook's presentation began with an overview of key milestones and policies which guided the redevelopment of SouthEnd beginning with the South Boulevard Corridor Revitalization Plan in 1995. Mr. Shook shared a quote from 1995 which stated that "most of the existing zoning in the corridor is suburban in character and precludes the development of an urban, pedestrian oriented environment." He stated that a lot of the development in SouthEnd has not lived up to the vision for the area.

Mr. Shook presented the following eight design recommendations which could positively impact Transit Oriented Districts and the built environment. He showed slides of existing South Corridor developments which included both good and bad examples of these design recommendations:

1. **Connect to the Street:** Design buildings to front on public streets, the rail corridor, or on open space, with windows and doors at street level connected to the public realm.
2. **First Floor Design:** Provide taller floor to floor heights and larger openings at the ground floor.
3. **Activate the Corners:** Require corners to have active uses and meet first floor Urban Design Standards.
4. **Street Worthy Entrances:** Make the entrances look like entrances.
5. **Residential Privacy:** Create transitions or provide separations to allow for residential privacy.
6. **Parking as a Ground Floor Use:** Parking as a use fronting a street or the rail corridor should be considered as we try to build connected streets and extend walkability to transit stops.
7. **Utilities:** Screen unsightly elements such as dumpsters, utilities, loading docks, service entrances, and outdoor storage. Restrict unsightly elements at corners facing intersections.
8. **Pets:** Design for pet friendly environments.

The entire PowerPoint presentation can be found [here](#).

Below is a summary of the discussion which followed the presentation:

- Chairperson Dodson wanted to discuss the idea of limiting parking. She asked how we should transition to looking at parking as a public facility rather than project specific. She asked if this should be initiated in the urban districts. Terry Shook responded that he does not have the answer, but suggested that we look at other communities such as Boston and D.C. who require that developers pay into the district to park in a publicly-owned garage or build your own. Debra Campbell added that at this time it is very difficult for us to reduce parking ratios. The development community wants parking because there is a demand for parking spaces and they cannot get projects financed unless there is a certain amount of parking. She stated that we need to educate financial institutions and bankers about the kind of community that we are trying to create and assure them that projects can work without having lots of parking.
- Commissioner Nelson had concerns about affordability. She acknowledged that the design recommendations that Mr. Shook presented are not difficult to execute, but there is a real cost associated with them. She suggested that there needed to be flexibility to allow for tradeoffs to keep communities affordable to all income levels. Commissioner Nelson also expressed concern about meeting parking requirements while maintaining affordability. Debra Campbell responded that staff is challenged with finding tradeoffs and flexibility that allows for a balance of quality development and affordability. Terry Shook thought this was a good point and stated that this should be a goal in places like SouthEnd. He said this is a big policy decision for the City.
- Commissioner Zoutewelle asked if parking structures could be designed so that as the demand for parking diminishes they can be renovated in the future. If so, would it be more amenable to have parking visible at the first level? Terry Shook replied yes, that is one option. Another option is that as our urban districts mature, we are going to find that people's attitudes about where they park and how they park are going to change drastically. He cited Birkdale Village as a

development which was designed to accommodate parking for six restaurants when it was built 12 years ago. The center currently has 14 restaurants, no additional parking has been added and parking is not an issue.

The Chairperson thanked Terry Shook for the presentation.

Chairperson Dodson announced that new Commissioner, Ms. Cozzie Watkins had joined the meeting and asked Ms. Watkins to introduce herself. Commissioner Watkins shared information about her background and interest in Planning. The Chairperson and other Commissioners welcomed her to the Commission.

### **Zoning Ordinance Process Update**

Alan Goodwin stated that he would provide an update on the Zoning Ordinance process, including identifying areas where the Commission can be involved as the process moves forward. The presentation focused on:

#### **1. Where We've Been – Initial Steps**

The **Assessment Report** completed by the consultant, Clarion Associates, indicated that:

- There is no clear connection between area plans and zoning.
- Zoning is able to implement land use policies, but it is often necessary to use conditional rezonings.
- The document is challenging to use.
- New zoning tools are needed to implement the vision of City's area plans.

The **Approach Report** completed by the consultant suggested:

- Consider consolidating zoning and other development regulations
- Determine the organizing approach
- Determine the key elements of an effective ordinance
- Revision Process: Comprehensive change or targeted change?
- Practical issues:
  - o Staffing
  - o Political feasibility
  - o Budget
  - o Time
  - o Accountability

#### **2. City Council Support/Direction**

- July 25, 2013 - The consultant presented the findings of both reports to City Council's Transportation and Planning Committee, the Planning Commission and the public. Council members were supportive of staff's plans to move ahead with a Zoning Ordinance update initiative.
- September 2013 - City Council approved staff's proposal to modify Transit Oriented Development (TOD and TS) zoning districts in an effort to better achieve the vision of the station area plans.

### 3. Immediate Next Steps (2014)

- Clarion Associates will assist staff in the following tasks as part of the next phase of the Zoning Ordinance update effort:
  - o **Update of TOD and TS Overlay Districts** - Can this effort serve as a model for how a future revised Zoning Ordinance could look and zoning districts in a new or revised ordinance?
  - o **Unified Development Ordinance (UDO)** - Should Charlotte work toward developing a UDO to consolidate the various regulations that control how land is developed?
  - o **Further Study of Form-Based Codes and Regulating Plans** - How could form-based zoning fit into the Zoning Ordinance approach for Charlotte?

### 4. Proposed Project Schedule

| Years       | Tasks                                                                                                                                                                                                              |
|-------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2014        | <ul style="list-style-type: none"><li>• Revisions to TOD and TS overlay zoning districts</li><li>• Further study of UDO and Form-based codes/regulating plans</li></ul>                                            |
| 2015 - 2016 | <ul style="list-style-type: none"><li>• Determine the ordinance type/approach</li><li>• Develop ordinance outline</li><li>• Initiate Phase 1 changes</li><li>• Determine/develop implementation strategy</li></ul> |
| 2016 - 2017 | <ul style="list-style-type: none"><li>• Finalize Phase 2 ordinance changes</li><li>• Implementation phase</li><li>• Revise zoning map</li></ul>                                                                    |
| 2018        | <ul style="list-style-type: none"><li>• Full Implementation</li></ul>                                                                                                                                              |

### 5. Planning Commission Involvement

Ideas for near term activities include:

- Representatives assist in review of TOD/TS updates
- Work Sessions on TOD/TS Overlay updates
- Consultant presentations on UDO and Form-Based Codes for Planning Commission feedback
- Provide advice and feedback on overall citizen engagement/public involvement strategies

The entire Zoning Ordinance Process PowerPoint presentation can be found [here](#).

Below is a summary of the discussion which followed the presentation:

- Commissioner Eschert asked when did the City of Raleigh adopt an Unified Development Ordinance and if there was any feedback from the process or implementation. Alan Goodwin replied that Raleigh adopted the ordinance last year. He also stated that some of staff visited Raleigh last summer and received feedback on some of the issues with the process. However, at that time Raleigh did not have a lot of experience using the new ordinance. He noted that staff intends to check back with Raleigh on implementation.
- Commissioner Fink stated that he thinks there needs to be a larger dialogue about values as part of the Zoning Ordinance Update and the assumptions about the expected outcomes for the ordinance. For instance, he asked how will affordability be translated into the process and

become an element of the ordinance and will small developers have access to land use changes that are tailored to their neighborhoods. Commissioner Fink was concerned that a predicate is missing from the conversation.

- Vice-Chairperson Lathrop suggested that the citizen engagement process be used to get input on higher level values and frameworks.
- Commissioner Zoutewelle asked Alan Goodwin to briefly discuss performance-based codes. Mr. Goodwin said that he thought the TOD Ordinance has some performance-based elements such as minimum densities and minimum floor area ratios. He stated that no city has a complete zoning ordinance that is based on performance-based zonings. Typically there are elements of performance zoning within hybrid zoning ordinances.
- Commissioner Zoutewelle expressed concern about how a comprehensive rewrite of the ordinance may impact small developers and development in the wedges. Alan Goodwin explained that there may be some minor tweaks in the single family residential districts, but the focus will be in the centers and corridors, not in the wedges. Director Campbell added that staff is committed to being strategic and tactical with understanding our goals and what are we trying to accomplish. She explained that although a lot of what needs to be addressed is principally in the urban core areas (centers and corridors), staff will look at some of our aging suburban communities, as they evolve and recreate themselves. In particular staff may look at those geographies and specific districts to determine what kinds of places these areas should become. She further explained that this is another reason why staff is being methodical about the update and not moving as fast as some would like. More importantly, we are not going to get ahead of our citizenry. We must make sure the community understands the vision before we can recreate the zoning ordinance or tool to implement the vision.
- Commissioner Low stated that he has experience working with form-based codes and they are very user friendly. Typically small developers do not have to hire architects and lawyers to assist with the development process when using form-based codes. He also suggested that the Commission rally state legislators in opposition of House Bill 150, which will make design standards illegal. Commissioner Low thought that the consultant, Clarion, should explore the possibility that there may not be design regulations.
- Commissioner Ryan stated that it was important to remind everyone why we plan for growth and development. The report that Clarion wrote was really well done in terms of identifying that the system is broken and we need a better one. As a licensed landscape architect, her job is to protect the health, safety and welfare of the public. The relationship between the building and the street is all about public safety. If we create safer streets then we will walk more, so it is about public health. It is also better in terms of economic development and the welfare of the community. She reiterated the need for civic engagement and making sure we start at the most fundamental level of why we plan and then why we have an ordinance to implement the vision.

Chairperson Tracy Dodson said that the Commission will have an ongoing conversation about the Zoning Ordinance update.

## **Information**

### **Planning Director's Report**

#### **City Council Retreat Overview**

Due to time constraints, Ms. Campbell gave a brief overview of the City Council Retreat. Director Campbell stated that the retreat focused on team-building, the budget and becoming more familiar with the City. She reported that she and Dan Gallagher (Charlotte Department of Transportation) made a presentation which included a snapshot of a great city and aspiring to be greater. Staff distributed hard copies of the presentation and Ms. Campbell indicated that staff will email her speaking notes and an electronic copy of the presentation.

Director Campbell summarized the following information from the Council Retreat:

- The budget outlook is pretty good for a community of our size and considering our challenges.
- The majority of the retreat was focused around the discussion of Council's Focus Area Plans. Council uses these plans to identify their priorities.
- Staff resource assignments (from the City Manager's Executive Team) for City Council Committees were announced at the retreat.

| <b>City Council Committee</b>      | <b>City Council Chairperson</b> | <b>Staff Resource</b> |
|------------------------------------|---------------------------------|-----------------------|
| Community Safety                   | Claire Fallon                   | Eric Campbell         |
| Economic Development               | Michael Barnes                  | Ron Kimble            |
| Environment Committee              | John Autry                      | Hong Yui              |
| Housing & Neighborhood Development | Patsy Kinsey                    | Ann Wall              |
| Transportation                     | Vi Liles                        | Debra Campbell        |

- The final day of the retreat consisted of a visioning exercise. The Council did not complete the vision statement and will coordinate with many other public and private organizations before they finalize their vision.

The Planning Director thanked the Commission for their time and apologized for the brief presentation. The entire City Council Retreat Overview PowerPoint presentation can be found [here](#).

Debra Campbell welcomed new Planning Commission member, Ms. Watkins. She then referred the Commission to Attachments 2 and 3, the Planning Department's Public Outreach presentations, and the February and March 2014 Meeting Schedules.

The Chairperson thanked Director Campbell. She encouraged everyone to look at the presentation and bring any questions to the March work session.

### **February & March 2014 Meeting Schedules**

An updated February 2014 calendar was distributed.

## **Committee Reports**

### **Executive Committee**

Chairperson Dodson directed Commissioners to the Executive Committee's approved minutes from their January 21 meeting (Attachment 4) and the future work sessions agenda items. She mentioned that the Executive Committee is planning something different for the March Work Session.

### **Zoning Committee**

Chairperson Dodson asked Tammie Keplinger to provide the report.

Ms. Keplinger reported that due to inclement weather, the January 29 Zoning Committee meeting was postponed and rescheduled for February 4 at 4:30 p.m. The Committee has eight items on their agenda. She anticipates that deferrals will be requested for several of these cases. She also noted that February 17 is the next public hearing and there are 17 cases (14 rezoning petitions and three text amendments) on this agenda. The regularly scheduled February Zoning Committee meeting will be held on February 26. Ms. Keplinger stated that there are a lot of cases of special interest. She asked the Commission to contact her or other staff if they had questions or needed more details.

Chairperson Dodson reminded Zoning Committee members that five members are needed for a quorum. She stated that since there is a new Commissioner and the County will appoint another Commissioner in the near future, rotations will occur within the next week or two. She noted that new Commissioners will be assigned to the Planning Committee.

### **Planning Committee**

Vice-Chairperson Lathrop reported that the Planning Committee has two mandatory referrals on their February 18 agenda. The Committee will also be asked to consider making a recommendation on the Prosperity Hucks Area Plan. Vice-Chairperson Lathrop thanked staff for helping to make the meetings run smoothly and for all their support.

### **Historic District Commission (HDC)**

Commissioner Labovitz said the HDC did not meet in January. The next meeting is February 12.

### **Charlotte Regional Transportation Planning Organization (CRTPO)**

Commissioner Zoutewelle reported that CRTPO is very busy. They voted to start the 30-day public input process on the new Metropolitan Transportation Plan. This plan is a high level, non-fiscally restrained, comprehensive plan, which replaces the long-range thoroughfare plan. The public comment period will begin on February 14. They are also working on the prioritization project list which includes identifying projects that will hopefully funnel down to specific shovel-ready projects.

### **Communication from Chairperson**

Chairperson Dodson mentioned that the Urban Land Institute is having a Development 101 Workshop on February 13. It will be held at UNCC and taught by Dustin Reed who is a real estate professor. The workshop will be a snapshot glimpse of how the private sector makes real estate decisions. The Chairperson stated that she will forward the email to all Commissioners and encouraged them to attend.

### **Adjournment**

The meeting adjourned at 2:02 p.m.



# Charlotte-Mecklenburg Planning Department

## Community Outreach Presentations

| #  | Date     | Presentation                                                                                                                 | Staff                                    |
|----|----------|------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|
| 1  | 12/02/13 | Greater Enrichment Program, Ashley Park Elementary - Introduction to Local Government and Urban Planning                     | McCullough/Young                         |
| 2  | 12/02/13 | Marshville Town Council - "CRTPO 101"                                                                                        | Cook                                     |
| 3  | 12/04/13 | UNC Charlotte School of Architecture - Guest Design Studio Juror                                                             | Howard                                   |
| 4  | 12/05/13 | CATS Public Meeting at Sugaw Creek Presbyterian - Blue Line Extension construction update                                    | Cornett/Stutts/Vari                      |
| 5  | 12/06/13 | Cherry Neighborhood - Local Historic District Designation strategy with preservation partners                                | Howard                                   |
| 6  | 12/09/13 | Greater Enrichment Program, Ashley Park Elementary - Introduction to Local Government and Urban Planning                     | McCullough/Young                         |
| 7  | 12/09/13 | Historic Charlotte Board of Directors - Historic District Commission update                                                  | Howard                                   |
|    | 12/10/13 | Public Meeting at Oasis Shriner's Temple - University City Area Plan update and CATS Blue Line Extension construction update | Cornett/Stutts/Vari                      |
| 8  | 12/10/13 | New City Council Members - Rezoning Orientation                                                                              | Keplinger                                |
|    | 12/12/13 | Mallard Creek Community Organization - Prosperity Village Street, Crime, and Zoning                                          | Main                                     |
| 9  | 12/16/13 | Greater Enrichment Program, Ashley Park Elementary - Introduction to Local Government and Urban Planning                     | McCullough/Young                         |
| 10 | 12/18/13 | Chamber Land Use Committee - Blue Line Extension Area Plans                                                                  | Cornett                                  |
| 11 | 01/08/14 | Charlotte Regional Transportation Planning Organization (CRTPO) - Orientation                                                | Cook/Landa/Basham/<br>Bridges/McCullough |
| 12 | 01/21/14 | RE/MAX Executive Company Meeting - <i>Transportation Planning &amp; Projects in the Charlotte Region</i>                     | Bridges                                  |
| 13 | 01/22/14 | Greater Catawba River District Neighbors Meeting                                                                             | McCullough                               |
| 14 | 02/19/14 | Charlotte-Mecklenburg Schools Academic Internship Day                                                                        | Basham                                   |
| 15 | 02/27/14 | University City Partners - Blue Line Extension Station Area Plans - University Area Plans Update                             | Cornett                                  |



# Charlotte-Mecklenburg Planning Commission

Attachment 3

## Meeting Schedule

March 2014

| Date                            | Time      | Purpose                      | Location                                            |
|---------------------------------|-----------|------------------------------|-----------------------------------------------------|
| <b>Full Planning Commission</b> |           |                              |                                                     |
| 03-03-14                        | Noon      | Work Session                 | Conference Room 267<br>2 <sup>nd</sup> Floor - CMGC |
| <b>Executive Committee</b>      |           |                              |                                                     |
| 03-17-14                        | 4:00 p.m. | Work Session                 | Conference Room 266<br>2 <sup>nd</sup> Floor – CMGC |
| <b>Planning Committee</b>       |           |                              |                                                     |
| 03-18-14                        | 5:00 p.m. | Work Session                 | Conference Room 280<br>2 <sup>nd</sup> Floor - CMGC |
| <b>Zoning Committee</b>         |           |                              |                                                     |
| 03-17-14                        | 5:00 p.m. | Dinner with City Council     | Conference Room CH-14<br>Basement – CMGC            |
| 03-17-14                        | 6:00 p.m. | City Rezoning                | Meeting Chamber<br>Lobby Level – CMGC               |
| 03-26-14                        | 4:30 p.m. | Work Session                 | Conference Room 280<br>2 <sup>nd</sup> Floor – CMGC |
| <b>Other Committee(s)</b>       |           |                              |                                                     |
| 03-12-14                        | 3:00 p.m. | Historic District Commission | Conference Room 280<br>2 <sup>nd</sup> Floor - CMGC |
| 03-19-14                        | 7:00 p.m. | CRTPO Meeting                | Conference Room 267<br>2 <sup>nd</sup> Floor – CMGC |

## Charlotte-Mecklenburg Planning Department Meetings

### Eating, Drinking and Entertainment Establishments (EDEE) Text Amendment

|          |                |                   |                                                    |
|----------|----------------|-------------------|----------------------------------------------------|
| 03-04-14 | 6:00-8:00 p.m. | Community Meeting | Innovation Station<br>8 <sup>th</sup> Floor - CMGC |
|----------|----------------|-------------------|----------------------------------------------------|

### University City Area Plan (UCAP) Blue Line Extension (BLE) Transit Station Area Plans Update

|          |                |                 |                                                |
|----------|----------------|-----------------|------------------------------------------------|
| 03-11-14 | 4:30-6:30 p.m. | Public Workshop | Oasis Shriner's Temple<br>604 Doug Mayes Place |
|----------|----------------|-----------------|------------------------------------------------|

### Mobile Food Vendors Text Amendment

|          |                |                        |                                                     |
|----------|----------------|------------------------|-----------------------------------------------------|
| 03-11-14 | 6:30-8:30 p.m. | Citizen Advisory Group | Conference Room 267<br>2 <sup>nd</sup> Floor - CMGC |
|----------|----------------|------------------------|-----------------------------------------------------|



# Charlotte-Mecklenburg Planning Commission

## Meeting Schedule

April 2014

| Date                            | Time      | Purpose                                              | Location                                            |
|---------------------------------|-----------|------------------------------------------------------|-----------------------------------------------------|
| <b>Full Planning Commission</b> |           |                                                      |                                                     |
| 04-07-14                        | Noon      | Work Session                                         | Conference Room 267<br>2 <sup>nd</sup> Floor - CMGC |
| <b>Executive Committee</b>      |           |                                                      |                                                     |
| 04-28-14                        | 3:30 p.m. | Work Session                                         | Conference Room 266<br>2 <sup>nd</sup> Floor - CMGC |
| <b>Planning Committee</b>       |           |                                                      |                                                     |
| 04-15-14                        | 5:00 p.m. | Work Session                                         | Conference Room 280<br>2 <sup>nd</sup> Floor - CMGC |
| <b>Zoning Committee</b>         |           |                                                      |                                                     |
| 04-28-14                        | 4:00 p.m. | City Council<br>Combined Business/<br>Zoning Meeting | Meeting Chamber<br>Lobby Level - CMGC               |
| 05-05-14                        | 2:00 p.m. | Work Session <sup>1</sup>                            | Conference Room 280<br>2 <sup>nd</sup> Floor - CMGC |
| <b>Other Committee(s)</b>       |           |                                                      |                                                     |
| 04-09-14                        | 3:00 p.m. | Historic District Commission                         | Conference Room 280<br>2 <sup>nd</sup> Floor - CMGC |
| 04-16-14                        | 6:00 p.m. | MPO Education Session                                | Conference Room 267<br>2 <sup>nd</sup> Floor - CMGC |
| 04-16-14                        | 7:00 p.m. | CRTPO Meeting                                        | Conference Room 267<br>2 <sup>nd</sup> Floor - CMGC |

## Charlotte-Mecklenburg Planning Department Meetings

### Land Use Policy Assessment

|          |                |                 |                                                     |
|----------|----------------|-----------------|-----------------------------------------------------|
| 04-10-14 | 3:00-8:00 p.m. | Public Workshop | Conference Room 267<br>2 <sup>nd</sup> Floor - CMGC |
|----------|----------------|-----------------|-----------------------------------------------------|

<sup>1</sup> Due to City Council's Combined Business/Zoning Meeting date, the April Zoning Committee Work Session is scheduled for May 5, 2014.



# Charlotte-Mecklenburg Planning Commission

Attachment 4

## Executive Committee

Approved

January 21, 2014 – 4:00 pm

February 17, 2014

CMGC – Conference Room 266

### Minutes

---

#### Call to Order & Introductions

The meeting was called to order at 4:09 p.m.

#### Attendance

**Commissioners Present:** Tracy Dodson (Chairperson), Tony Lathrop (Vice-Chairperson), Ray Eschert, and Emma Allen.

Commissioner Allen arrived at 4:22 p.m.

**Commissioner(s) Absent:** None

**Planning Staff Present:** Laura Harmon (Assistant Director) and Cheryl Neely

#### Follow-up Assignments

##### **Attendance Requirements for Involvement in Public Input Processes**

Chairperson Dodson stated that she forwarded the document to other Executive Committee members for review. She gave Cheryl Neely the comments she received from the Vice-Chairperson. Cheryl Neely stated that she will make the proposed changes to the document and send it to the Executive Committee for a final review prior to presenting it to the full Commission for approval. The Chairperson stated that she would like to take the document to the Commission in February if possible, but did not want to rush making modifications to the document.

##### **Communication Committee – January Communication to Council**

Chairperson Dodson asked Commissioner Lathrop if he and Commissioner Zoutewelle were on the Communications Committee. Vice-Chairperson Lathrop replied that he was on the Committee before he became Vice-Chairperson.

Cheryl Neely said that she had talked to the Planning Director about the January communication statement to Council. The Planning Director indicated that the Commission would not be able to get on a Council agenda in January because their agendas are full. She suggested that the Executive Committee decide how to proceed with the communication to Council. She reminded the Committee that their Operating Agreement requires that the Commission provide an annual report at the end of the fiscal year and a communication statement to Council in January. Vice-Chairperson Lathrop recalled that he only remembered doing a year-end annual report in past years.

Chairperson Dodson said that the January communication piece is not like the annual report and does not focus on accomplishments. The intention is to offer Council a mid-year perspective. For instance, the Commission can inform Council that they think the Zoning Ordinance Assessment is very important and they support staff in the undertaking of this initiative. She stated that since the Planning Director is going to provide an overview from the Council Retreat at the February work session, the Commission will ask questions about the Area Plan Process and Zoning Ordinance Assessment. Then the Communications Committee can use this information to draft the communication statement to Council. Laura Harmon added that she thought it would be helpful for Council to hear this as they are thinking about their budget since the Planning Department is making a couple of budget requests in

respect to the Zoning Ordinance. Vice-Chairperson Lathrop stated that this is consistent with the Commission's goal of adding value to the Zoning Ordinance Assessment process.

Chairperson Dodson stated that she wanted the Executive Committee to think about who is well-suited for the Communications Committee. She further explained that this Committee would have to draft the communication statement for Council and bring it back to the Executive Committee for review before presenting it to Council. Cheryl Neely reminded the Committee that at least one Communications Committee member has to be from the Executive Committee. Vice-Chairperson Lathrop volunteered to be on the Communications Committee.

The Chairperson asked Cheryl Neely to let the Planning Director know that when she gives the Council Retreat overview that the Commission will intentionally drill a little more into next year's initiatives and ask questions about budget information. Vice-Chairperson Lathrop said he would try to recruit some of the newer Commissioners to serve on the Communications Committee with him.

### **Approval of the February 3, 2014 Work Session Agenda**

The Committee reviewed the February work session draft agenda. Chairperson Dodson asked if there would be enough time for all of the agenda items. Laura Harmon stated that the Zoning Ordinance process will be a brief update because staff is just now entering into a contract with Clarion in respect to the Zoning Ordinance update, so there is not a lot of information to report. She reported that the consultant, Clarion will assist staff with three major items:

1. Looking at unified development ordinances, particularly what that could mean for Charlotte.
2. Looking more in depth at form-based codes, including providing a good understanding of these codes. Chairperson Dodson suggested that when form-based codes are discussed with the Commission that more time is spent outlining what it is and what it means to the Planning Department, along with the unified code.
3. Looking at using the Transit Oriented Districts (TOD) update as a potential prototype for a district update of the ordinance. Laura Harmon explained that this relates to the Transit Station Area Design Issues presentation which is the second item on the work session agenda. She stated that Terry Shook did a review of what is missing in the TOD, from a design perspective and he will present this information to the Commission.

Chairperson Dodson asked for ideas on how staff can engage the Commission in these three areas since Commissioners are ready to get involved in the Zoning Ordinance process. Vice-Chairperson Lathrop agreed and reiterated that the Commission wants to do something to help the process. Chairperson Dodson further explained that from the outside looking in, it appears that more should have taken place on this project within the past six months. However, she said she understands that it takes a long time to get things done, but she thinks staff should come back to the Commission from time to time with updates and for input. For instance, when staff discusses the three different areas where the consultant will provide assistance, they could ask the Commission for input. The Chairperson stated she is concerned because she wants the Commission to have the opportunity to feel like they are part of the discussion.

Laura Harmon stated that staff has not made substantial forward progress. They have spent a lot of time with the consultant and are struggling with the budget. Chairperson Dodson acknowledged that this is a major initiative and no one expects it to move quickly. She thinks that the Planning Director reiterating that she is not in a rush and is trying to be strategic about updating the Zoning Ordinance will help everyone understand why the project is not moving as quickly as they thought it would.

Vice-Chairperson Lathrop added that he thinks that the process itself could turn out to be substantively important and that we want to make sure it is a good process that is inclusive as well as transparent. He thinks this is important so that when we get to the end of the process everyone has buy-in or reasonably accepts the final product.

Laura Harmon suggested sharing the current budget strategy with the Commission, but noted that the strategy could change. She explained that engaging a consultant with a project of this magnitude can cost as much as \$500,000, so staff will propose a series of budget requests for this project. Staff will inform the Budget Office and the City Manager's Office that they will do this project in phases and will request additional funds each year until the project is completed. Ms. Harmon stated that she thinks explaining the budget issue with the Commission will be helpful because part of the reason why staff could not move forward this year is due to the lack of funding.

Vice-Chairperson Lathrop asked Ms. Harmon if staff would have to provide information about future phases of the project in order to get support and buy-in for the first budget request. Laura Harmon answered yes and explained that staff is just now submitting the budget request and will meet with the City Manager and Budget staff in February and will provide details at that time. Staff will explain how much is needed for each funding cycle. She further explained that staff has not identified the most appropriate type of ordinance for Charlotte. Ms. Harmon stated that staff needs to determine this before we start working with the consultant, the public and the Commission on writing the chapters, with the exception of the TOD.

Commissioner Eschert asked where the emphasis on form-based codes is coming from. Laura Harmon responded that it is coming from a lot of different directions. There are many different ideas about what form based codes are and how stringent they should be. Some take a very purest approach to form-based codes and others do not. She stated that some think they want form-based codes, but sometimes they actually do not understand all of the implications.

Vice-Chairperson Lathrop said that he has heard from some who are familiar with form based codes and are generally ok with using them. Laura Harmon explained that this not typically the case in Charlotte. Form-based codes go to very specific regulating plans and those plans can be fairly restrictive. They are less use-based, are more about the form and they can take a long time to prepare.

Chairperson Dodson thought this was good discussion and stated that the full Commission should be having these type discussions about the Zoning Ordinance process. The Vice-Chairperson said that he is more concerned about having a good process so that the end result will be accepted by everyone.

Laura Harmon added that a lot of communities use stakeholder groups through the Zoning Ordinance update process. However, she noted that staff is challenged with making sure we have a diverse group and not lose members throughout the process. She thought that perhaps the Commission could provide insight on how staff can have a process that is meaningful and encourages participation. She suggested that maybe staff should consult the Commission on the public input process for the Transit Oriented District initiative.

The Chairperson asked if Terry Shook should present first and then transition into the Zoning Ordinance discussion. Cheryl Neely said staff agreed and had already listed his presentation first on the agenda. Laura Harmon stated that she thought Mr. Shook will present information about form-based codes as part of his presentation.

Cheryl Neely informed the Committee that staff allotted Mr. Shook 30 minutes for his presentation, which is longer than most Commission presentations. Laura Harmon stated that a portion of his presentation focused on 10 ideas for how to improve TOD, which also applies to other urban districts. Chairperson Dodson asked that the presentation be at a high level so that it will simulate the Zoning Ordinance discussion.

Chairperson Dodson asked if staff's Zoning Ordinance presentation could include a quick overview of the consultant's charge, as well as ideas about how the Commission can be engaged in the process. The Chairperson stated that she would talk to the Commission about the Communications Committee and the communication statement to Council after the Planning Director presents information from the Council Retreat. The Chairperson asked Cheryl Neely to list the Communications Committee under the Communication from Chairperson portion of the agenda.

Commissioner Lathrop made motion to approve the Work Session Agenda. The motion was seconded by Commissioner Allen.

### **Future Work Session Agenda Items**

The Chairperson asked if the Community Investment Plan is on the March work session agenda. Cheryl Neely replied that although it is listed as a future agenda item it is not slated for a particular month at this time.

Chairperson Dodson said that she would like to have an abbreviated work session in March from 12-1 p.m. and then have a Commission and staff luncheon following the meeting. She would like for the Commission to have more interaction with staff. Commissioner Allen agreed and suggested that there be "structure in a non-structured environment" or otherwise Commissioners will sit together and staff will sit together and not have much interaction. The Chairperson stated that she and Cheryl Neely will discuss logistics and plan for the luncheon.

The Committee agreed on the following future work session agenda items:

| <b>Future Work Session Agenda Items</b>                          | <b>Work Session</b> |
|------------------------------------------------------------------|---------------------|
| 1. Transit Station Area Design Issues – Terry Shook Presentation | February            |
| 2. Zoning Ordinance Process                                      | February            |
| 3. Planning Director's Report – City Council Retreat Overview    | February            |
| 4. Community Investment Plan                                     | TBD                 |

### **Approval of Minutes**

A motion was made by Commissioner Eschert and seconded by Commissioner Lathrop to approve the December 16, 2013 Executive Committee minutes. The vote was 4 to 0 to approve the minutes.

### **Approval of the February 3, 2014 Work Session Agenda**

Commissioner Lathrop made motion to approve the Work Session Agenda. The motion was seconded by Commissioner Allen.

### **February and March 2014 Meeting Schedules**

The Committee reviewed the February and March meeting schedules. Chairperson Dodson stated that she will not be able to attend the March 17 Executive Committee meeting or the Council Dinner meeting. Cheryl Neely reminded the Committee that three members are needed for a quorum.

**Adjournment**

The meeting adjourned at 4:46 p.m.



**AGENDA**  
**CHARLOTTE-MECKLENBURG PLANNING COMMISSION**  
**ZONING COMMITTEE WORK SESSION**  
**Charlotte-Mecklenburg Government Center, Rm. 280**  
**February 26, 2014**  
**4:30 P.M.**

|                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|--------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                | 1. <b><u>Petition No. 2013-017</u></b> (Council District 3 – Mayfield) <b>by NCDG, LLC</b> for a change in zoning for approximately 3.1 acres located on the east side of Little Rock Road and north of the intersection at Little Rock Road and Tuckaseegee Road from R-3 LLW-PA, single-family residential, Lower Lake Wylie Protected Area to B-1(CD), neighborhood business, conditional, Lower Lake Wylie Protected Area.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Deferral<br/>(to March)</b> | 2. <b><u>Petition No. 2013-090</u></b> <b>by Charlotte-Mecklenburg Planning Department</b> for a Text Amendment to the City of Charlotte Zoning Ordinance to create new definitions and regulations for eating, drinking and entertainment establishments by replacing definitions and regulations for restaurants, nightclubs, bars and lounges. Allows eating, drinking and entertainment establishments by right or with prescribed conditions in the following zoning districts: multi-family; urban residential (UR-2 and UR-3); urban residential commercial (UR-C); institutional; research; office; business; mixed use (MX-1, MX-2 and MX-3); mixed use development (MUDD); uptown mixed use development (UMUD); commercial center (CC); neighborhood services (NS); transit oriented development (TOD); urban industrial (U-I); industrial; pedestrian overlay (PED); and transit supportive overlay (TS). The text amendment also establishes an exemption process. |
|                                | 3. <b><u>Petition No. 2014-002</u></b> (Council District 1 – Kinsey) <b>by The Rainier Group, LLC</b> for a change in zoning for approximately 1.14 acres located on the northwest corner at the intersection of East Worthington Avenue and Cleveland Avenue from TOD-R(CD), transit oriented development–residential, conditional to TOD-MO, transit oriented development–mixed, optional.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|                                | 4. <b><u>Petition No. 2014-005</u></b> (Council District 1 - Kinsey) <b>by Gateway Communities NC, LLC</b> for a change in zoning for approximately 0.39 acres located on the north side of Central Avenue between St. Julien Street and Westover Street from B-1, neighborhood business to MUDD-O, mixed use development, optional.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|                                | 5. <b><u>Petition No. 2014-006</u></b> (Council District 1 - Kinsey) <b>by New Carolina Income Properties, LLC</b> for a change in zoning for approximately 0.40 acres located on the north side of East Tremont Avenue between Cleveland Avenue and Euclid Avenue across from Atherton Heights Lane from UR-2(CD) HD-O, urban residential, historic district overlay, conditional to TOD-RO HD-O, transit oriented development, residential, conditional historic district overlay.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|                                | 6. <b><u>Petition No. 2014-010</u></b> (Council District 6 - Smith) <b>by Center for Healthy Living, Inc. dba The Ivey</b> for a change in zoning for approximately 2.08 acres located on the west side of Park South Drive between Royal Crest Drive and Fairview Road from R-3, single family residential & INST(CD), institutional, conditional to UR-C(CD), urban residential, commercial, conditional.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|                                | 7. <b><u>Petition No. 2014-011</u></b> (Council District 2 – Austin) <b>by Victor Kung</b> for a change in zoning for approximately 3.25 acres located on the south side of Montana Drive generally bounded by Interstate 85, Ablewood Road, and Burbank Drive from I-2, general industrial to I-1(CD), light industrial, conditional.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|                                | 8. <b><u>Petition No. 2014-012</u></b> (Council District 6 - Smith) <b>by Lincoln Harris, LLC</b> for a change                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

|                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                        | in zoning for approximately 6.1 acres located at the intersection of Carnegie Boulevard and Congress Street on the west side of Barclay Downs Drive from MUDD-O, mixed use development, optional to MUDD-O SPA, mixed use development, optional, site plan amendment.                                                                                                                                                                                                                                                                                                                  |
| <b>Deferral<br/>(to March)</b>         | 9. <b><u>Petition No. 2014-014</u></b> (Council District 2 - Austin) <b>by Sam's Real Estate Holdings, Georgia, LLC</b> for a change in zoning for approximately 1.9 acres located on the north corner at the intersection of Northlake Centre Parkway and Point O'Woods Drive from R-3, single family residential to NS, neighborhood services.                                                                                                                                                                                                                                       |
|                                        | 10. <b><u>Petition No. 2014-017</u></b> (Council District 3 - Mayfield) <b>by Charlotte-Mecklenburg Planning Department</b> for a change in zoning for approximately 0.19 acres located on the south corner at the intersection of South Tryon Street and West Park Avenue from B-1, neighborhood business to TOD-M, transit oriented development, mixed use.                                                                                                                                                                                                                          |
| <b>Protest<br/>Sufficiency<br/>TBD</b> | 11. <b><u>Petition No. 2014-019</u></b> (Outside City Limits) <b>by Charlotte-Mecklenburg Planning Department</b> for a change in zoning for two parcels approximately 26.47 acres located on the west corner of the intersection at Mallard Creek Road and Salome Church Road from CC, commercial center to R-4, single family residential.                                                                                                                                                                                                                                           |
|                                        | 12. <b><u>Petition No. 2014-020</u></b> (Council District 4 - Phipps) <b>by Charlotte-Mecklenburg Planning Department</b> for a change in zoning for approximately 1.35 acres located on the south side of Springview Road between Mellow Drive and Kentbrook Drive from R-17MF, multi-family residential to R-8MF, multi-family residential.                                                                                                                                                                                                                                          |
|                                        | 13. <b><u>Petition No. 2014-022</u></b> (Council District 2 - Austin) <b>by Ingenuity Sun Media, LLC</b> for a change in zoning for two parcels approximately 9.18 acres in total located on Hamilton Street near Music Factory Blvd from MUDD-O, mixed use development, optional to MUDD-O SPA, mixed use development, optional, site plan amendment.                                                                                                                                                                                                                                 |
|                                        | 14. <b><u>Petition No. 2014-026</u></b> (Council District 4 - Phipps) <b>by Abigail Jennings: Pioneer Springs Community School</b> for a change in zoning for approximately 2.94 acres located on the east side of Bob Beatty Road north of the intersection at Reames Road and Old Statesville Road from B-2(CD) general business, conditional, O-1(CD), office, conditional and B-1, neighborhood business to B-2(CD) SPA, general business, conditional, site plan amendment, O-1(CD) SPA office, conditional, site plan amendment and B-1(CD), neighborhood business, conditional. |
|                                        | 15. <b>Set Date for April Zoning Committee Meeting</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

**NOTICE OF PUBLIC HEARINGS ON PETITIONS  
FOR ZONING CHANGES BY CITY COUNCIL  
OF THE CITY OF CHARLOTTE, N.C.**

NOTICE is hereby given that public hearings will be held by the City Council in the Meeting Chamber located in the Charlotte-Mecklenburg Government Center, 600 East Fourth Street beginning at 6:00 P.M. on **Monday, the 17th day of March, 2014** on the following petitions that propose changes to the Official Zoning Maps of the City of Charlotte, North Carolina:

**Petition No. 2013-072 by Full Moon of Union, LLC** for a change in zoning for approximately 5.94 acres located at the intersection of Eastfield Road and Prosperity Church Road from R-3 to NS.

**Petition No. 2013-085 by Providence Road Farms, LLC / Crosland Southeast / Childress Klein Properties** for a change in zoning for approximately 89.5 acres located on the east side of Providence Road between Golf Links Drive and Chancelot Lane from R-3 & R-3(CD) to MUDD-O & MX-2(Innov.), 5 year vested rights.

**Petition No. 2013-102 by Wajahat & Ferah Syed** for a change in zoning for approximately 0.40 acres located on the south side of North Davidson Street between East 33rd Street and East 35th Street from R-5 & MUDD-O to TOD-MO & MUDD-O SPA.

**Petition No. 2014-003 by George M. Macon** for a change in zoning for approximately 4.65 acres located on the southwest corner at the intersection of Ardrey Kell Road and Marvin Road from R-3 to O-1(CD).

**Petition No. 2014-007 by Jeff Tonidandel** for a change in zoning for approximately 0.28 acres located on the west corner at the intersection of East Boulevard and Charlotte Drive from B-1(CD)(PED)(HD-O) to B-1(CD) SPA(PED-O)(HD-O).

**Petition No. 2014-013 by Hawthorn Retirement, LLC** for a change in zoning for approximately 10.01 acres located on the east side of Providence Road between Lakeside Drive and Kuykendall Road from R-3 to INST(CD).

**Petition No. 2014-015 by St. Michael & All Angels** for a change in zoning for approximately 5.73 acres located on the southeast corner at the intersection of West Sugar Creek Road and David Cox Road from NS to R-3.

**Petition No. 2014-023 by Edgeline Residential, LLC** for a change in zoning for approximately 2.15 acres located on the south corner at the intersection of North Caldwell Street and East 16th Street and generally surrounded by East 16th Street, North Davidson Street, and East 16th Street from MUDD(CD) to MUDD(CD) SPA.

**Petition No. 2014-024 by Stonehunt, LLC** for a change in zoning for approximately 6.57 acres located on the west side of Luther Street generally surrounded by Cherry Street, Main Street, Baxter Street and Eli Street from UR-2(CD) to UR-2(CD) SPA.

**Petition No. 2014-025 by Trinity Capital Advisors, LLC** for a change in zoning for approximately 8.50 acres located on the north side of Interstate 485 between Johnston Road, Toringdon Way, and North Community House Road from CC to CC SPA.

**Petition No. 2014-027 by Charlotte-Mecklenburg Planning Department** for a change in zoning for two parcels approximately 0.81 acres located on the west side of Dunavant Street between Remount Road and Merve Place from I-2 to TOD-M.

The City Council may change the existing zoning classification of the entire area covered by each petition, or any part or parts of such area, to the classification requested, or to a higher classification or classifications without withdrawing or modifying the petition.

Interested parties and citizens have an opportunity to be heard and may obtain further information on the proposed changes from the Charlotte-Mecklenburg Planning Department Office, Charlotte-Mecklenburg Government Center, 600 East Fourth Street, 704-336-2205. [www.rezoning.org](http://www.rezoning.org)

To file a written petition of protest which if valid will invoke the 3/4 majority vote rule (General Statute 160A-385) the petition must be filed with the City Clerk no later than the close of business on **Wednesday, March 12th, 2014.**

---

**NOTICE OF PUBLIC HEARINGS ON PETITIONS  
FOR ZONING ORDINANCE CHANGES BY CITY COUNCIL  
OF THE CITY OF CHARLOTTE, N.C.**

NOTICE is hereby given that public hearings will be held by the City Council in the Meeting Chamber located in the Charlotte-Mecklenburg Government Center, 600 East Fourth Street beginning at 6:00 P.M. on **Monday, the 17th day of March, 2014** on the following petition that propose changes to the City of Charlotte Zoning Ordinance:

**Petition No. 2012-90 by Charlotte-Mecklenburg Planning Department** for a Text Amendment to the City of Charlotte Zoning Ordinance to 1) allow the Zoning Board of Adjustment to have jurisdiction to grant variances on certain standards within the Transit Oriented Development districts (TOD), the Pedestrian Overlay district (PED), Mixed Use Development district (MUDD), Uptown Mixed Use district (UMUD), and Transit Supportive Overlay district (TS); 2) allow the Board of Adjustment to have authority to consider variances related to the number of, or size of, permissible signs in a conditional district; and 3) allow the Board of Adjustment to have jurisdiction with respect to an interpretation of, or decision about the Transit Oriented Development district (TOD) or Pedestrian Oriented District (PED) development or urban design standards.

**Petition No. 2013-026 by Charlotte-Mecklenburg Planning Department** for a Text Amendment to the City of Charlotte Zoning Ordinance to modify the Pedestrian Overlay District development and urban design standards.

**Petition No. 2014-021 by Charlotte-Mecklenburg Planning Department** for a Text Amendment to the City of Charlotte Zoning Ordinance adding a new definition for mobile farmer's markets and allowing it with prescribed conditions in a variety of zoning districts.

Interested parties and citizens have an opportunity to be heard and may obtain further information on the proposed changes from the Charlotte-Mecklenburg Planning Department Office, Charlotte-Mecklenburg Government Center, 600 East Fourth Street, 704-336-2205. [www.rezoning.org](http://www.rezoning.org)

---

**Charlotte-Mecklenburg Planning Commission**  
**Planning Committee Meeting Minutes**  
**January 21, 2014 – 5:00 p.m.**  
**CMGC – 2<sup>nd</sup> Floor, Room 280**

**Attachment 7**  
**Approved**  
**February 18, 2014**

**Attendance**

**Commissioners Present:** Chairperson Tony Lathrop, Vice-Chairperson Raymond Eschert, Randy Fink, Dionne Nelson and Michael Sullivan

**Commissioners Absent:** Commissioner Andy Zoutewelle

**Planning Staff Present:** Alberto Gonzalez, Garet Johnson, Sonda Kennedy, Melony McCullough, Kent Main, Alysia Osborne, Catherine Stutts, Bryman Suttle and Jonathan Wells

**Other Staff Present:** Katie Daughtry (County Asset and Facility Management) and Robert Drayton (City Real Estate)

**Call to Order and introductions**

Chairperson Tony Lathrop called the meeting to order at 5:15 p.m.

**Approve December 17, 2013 Minutes**

*A motion was made by Commissioner Dionne Nelson and seconded by Vice-Chairperson Raymond Eschert to approve the December 17, 2013 minutes as amended by staff (MR# 13-27). The vote was unanimous to approve.*

In the interest of time and to ensure a quorum, Chairperson Lathrop moved the items that have to be voted on, Mandatory Referrals, to the beginning of the agenda.

**M.R. #13-26: Proposal by City of Charlotte Real Estate to Acquire Property Located at 2500 West Boulevard for a New Police Station and Code Enforcement Office**

Alberto Gonzalez (Planning) presented Mandatory Referral #13-26, a proposal by the City of Charlotte Real Estate Division to acquire approximately 5 acres of land located on the northerly side of West Boulevard between Tyvola and Old Steele Creek roads for a new Charlotte-Mecklenburg Police Department Westover Division Office and City of Charlotte Neighborhood & Business Services Southwest Service Area Code Enforcement Office.

Mr. Gonzalez noted that the site was previously rezoned office to allow a funeral home. He stated that this acquisition is consistent with publicly adopted plans and that redevelopment of this site has the potential to be a catalyst for reinvestment in the area. He added that the building will be designed to complement the existing neighborhood.

Chairperson Lathrop reminded committee members of their scope when considering Mandatory Referrals. The Committee can consider consistency with publicly adopted plans and policies, compatibility with surrounding land uses, impact on existing infrastructure and opportunities for joint use. The Committee cannot consider cost or alternative locations.

Commissioner Sullivan asked if this is the relocation of one west side office to another west side location. Mr. Gonzalez answered yes and explained that the Police Department's Westover Division Office is currently located in the Westside Commons Shopping Center at the corner of West Boulevard and Remount Road. The Southwest Service Area Code Enforcement Office is currently located in the West Service Center on Wilkinson Boulevard.

Commissioner Eschert stated that he understands that Charlotte-Mecklenburg Police Department is trying to relocate different offices for more visibility and one concept is partnering with Code Enforcement. He asked if this proposal is consistent with that practice. Mr. Gonzalez answered yes and reiterated that the two offices will share one location.

*A motion was made by Commissioner Sullivan and seconded by Vice-Chairperson Eschert to approve Planning staff's recommendation for Mandatory Referral #13-26. The vote was unanimous to approve staff's recommendation for Mandatory Referral #13-26.*

**M.R. #14-02: Proposal by Mecklenburg County Park and Recreation to Acquire Land Located off West Arrowood Road for Sugar Creek Greenway**

Catherine Stutts (Planning) presented Mandatory Referral #14-02, a proposal by Mecklenburg County Park and Recreation to acquire approximately 23 acres of land located off the northerly side of West Arrowood Road between I-77 and South Tryon Street for expansion of the greenway system along Sugar Creek. The acquisition of this property allows for flexibility in the future design and construction of Sugar Creek Greenway and will be used to extend the greenway to connect to Renaissance Regional Park. Ms. Stutts explained the proposal and stated that it is consistent with the publicly adopted plan for the area.

*A motion was made by Vice-Chairperson Eschert and seconded by Commissioner Nelson to approve Planning staff's recommendation for Mandatory Referral #14-02. The vote was unanimous to approve staff's recommendation for Mandatory Referral #14-02.*

**M.R. #14-03: Proposal by Mecklenburg County Park and Recreation to Accept the Donation of Land Located on Red Barn Lane for Little Sugar Creek Greenway**

Kent Main (Planning) presented Mandatory Referral #14-03, a proposal by Mecklenburg County Park and Recreation to accept the donation of approximately .076 acres of land located off Red Barn Lane in the Quail Hollow area for expansion of the greenway system along Little Sugar Creek.

Mr. Main explained that this proposed acquisition is to add the subject property to the adjoining Little Sugar Creek greenway property. The proposal is consistent with recommendations in the *South District Plan* and the County's 2008 *Parks Master Plan* which encourages expansion of the greenway system. He added that this small slither of land may have been missed when properties were being donated for the greenway.

*A motion was made by Commissioner Sullivan and seconded by Vice-Chairperson Eschert to approve Planning staff's recommendation for Mandatory Referral #14-03. The vote was unanimous to approve staff's recommendation for Mandatory Referral #14-03.*

**M.R. #14-04: Proposal by City Real Estate to Acquire the Econo Lodge Property Located on Independence Boulevard**

Alysia Osborne (Planning) presented Mandatory Referral #14-04, a proposal from the City of Charlotte Real Estate Division to acquire approximately 7 acres of land located at 3014 E. Independence Boulevard to facilitate a comprehensive redevelopment project that includes Bojangles' Coliseum and Ovens Auditorium for amateur sports-related uses. This proposed acquisition supports the City's goals within the FY14-FY18 Community Investment Plan adopted by City Council June 10, 2013, which specifically recommends funding to support comprehensive redevelopment of the Bojangles'/Ovens Auditorium area.

Ms. Osborne identified properties that the City owns along Independence Boulevard and explained that this proposal is consistent with the City's plan for redevelopment in the area. Vice-Chairperson Eschert referenced a recent article in the newspaper stating that the hotel will continue to operate for 12 months. Ms. Osborne confirmed that and said the hotel will be demolished after the 12 month period.

*A motion was made by Vice-Chairperson Eschert and seconded by Commissioner Nelson to approve Planning staff's recommendation for Mandatory Referral #14-04. The vote was unanimous to approve staff's recommendation for Mandatory Referral #14-04.*

**Public Comment on the draft *Prosperity Hucks Area Plan***

Chairperson Lathrop provided the guidelines for public comment on the draft *Prosperity Hucks Area Plan*. He noted that each speaker has three minutes to speak and that committee members may ask questions.

There were two speakers. Michael O'Hara, Wynborough Lane, shared that he has lived in this area for 20 years and has seen a lot of change take place. He stated that he attended three public meetings about this plan and has read the document over and over. In his opinion, there are many flaws and contradictions in the document. He mentioned the document's reference to quiet, pedestrian friendly neighborhoods and protection of trees and the environment. However, he thinks the plan brings more roads, disrupts neighborhoods and disturbs the environment.

He is concerned about over saturation of the market with retail development which he suggests played a role in the demise of Food Lion, Little Casear's and other area businesses that have closed. Mr. O'Hara compared the future of businesses in this area to the vacant businesses in the University area. He is concerned that crime and retail studies have not been prepared for the area. He stated that anytime you introduce an interchange in a retail area, crime increases. His biggest concerns are the lack of a retail study and roads.

Chairperson Lathrop asked Mr. O'Hara if he has an opinion about the Hucks Road project. Mr. O'Hara stated that this road project will significantly impact homes in the area and will run through several backyards. Commissioner Nelson asked Mr. O'Hara if his property abuts the road project. He answered yes.

Chairperson Lathrop asked Mr. O'Hara how he thinks businesses leaving the area relate to this plan. Mr. O'Hara replied that people will shop at the new businesses and older businesses will not survive because there will be too much retail. He thinks there should be a market study to support the plan recommendations.

Chairperson Lathrop asked Mr. O'Hara to explain what he means by market saturation. Mr. O'Hara said that businesses in older shopping centers have closed and across the street, businesses are opening in new shopping centers. There are too many retail stores in the area. He stated that the plan recommends too much retail and there is no study to show the impact of this retail. He added that the plan is very vague. Vice-Chairperson Eschert asked if the shopping centers were already in a state of decline and if their closure is possibly market driven because of competition and economy. Mr. O'Hara stated that there is just too much retail in the Mallard Creek area.

The Committee suspended the rules to allow Mr. O'Hara to ask Mr. Main if Hucks Road Extension was always planned to be a four lane roadway or if it was planned to be more of a rural winding road. Mr. Main said that a 100 foot right-of-way was reserved for this road project before Mr. O'Hara purchased his property 20 years ago and the subdivisions in the area were laid out.

Commissioner Nelson asked if a 100 foot right-of-way would accommodate a four lane roadway with sidewalks and bike lanes. Scott Correll (Charlotte Department of Transportation) answered yes but it would be really tight. He said that Hucks Road Extension was originally recommended as a four-lane roadway. However, the plan recommends a two lane cross-section. Commissioner Nelson asked what is the process to implement the street design. Mr. Correll replied that there would be a public input process but he also added that the Hucks Road Extension project is not funded.

Chairperson Lathrop asked Mr. Main if the road projects in the area are a done deal and if the location of the interchanges is outside the scope of this area plan. Mr. Main replied that several road improvement projects in the area are underway. He said staff realizes that there are traffic issues in the area. Chairperson confirmed that the location and design of the roads is not the Committee's charge.

The second speaker, Mr. Thor Draper, lives in the Highland Creek area. He spoke briefly and said that he agrees with Mr. O'Hara's comments. He discussed retailers leaving the area. He said that the median makes access to the shopping center where Food Lion was located difficult. Mr. Draper also talked about area roads and stated that the round-a-bouts that were recently constructed in the area are not large enough to handle large vehicles such as fire trucks, buses and transfer trailers.

#### **Area Plan Status and Meeting Report**

Commissioner Nelson gave an update on the University City Area Plan - Blue Line Extension Transit Station Area planning process. She stated that the next meeting is scheduled for February 11.

Chairperson Lathrop thanked staff for the Prosperity Hucks area tour. He stated that it was helpful for committee members to see the road construction in the area which gives context to the matter.

Ms. McCullough asked the Chairperson to have Mr. Main review the next steps in the Prosperity Hucks planning process. Mr. Main stated that the next steps in the process will be to compile changes to the draft plan. He emphasized that the planning process is still open for input. In February, the Committee will be asked to make a recommendation on the draft plan. Also in February, the plan will be introduced to the Transportation and Planning Committee and they will be asked to schedule a meeting for City Council to receive public comment on the draft plan.

Commissioner Nelson asked for clarity on the retail issue. Chairperson Lathrop asked if the market study takes into account the amount of retail that is appropriate based on the area's demographics. Mr. Main said the retail study was conducted by Noell Consulting Group out of Atlanta. The report takes into consideration existing and proposed road projects and development. Commissioner Fink asked if Noell Consulting has been around long enough to determine if their projections are accurate. Mr. Main stated that staff has confidence in this firm and has worked with them on numerous projects. Chairperson Lathrop thanked everyone for all of the questions and taking part in the discussion.

**Adjourn:** 6:10 p.m.

## Attachment 8

### Planning Commission Involvement in Public Input Processes Initiated by Planning Staff

At the December 2007 Executive Committee meeting, Planning Commissioners requested that staff recommend ways to enhance the Commission's involvement in public input processes for initiatives that the Commission ~~will~~ould ultimately be asked to make a recommendation (such as area plans). Staff presented potential strategies for increased involvement at the January 7, 2008 Commission work session. After discussing the suggested strategies, the Commission appointed a subcommittee, led by Commissioner Loflin, to further discuss the strategies.

Commissioners Loflin, Johnson and Griffith met on January 18<sup>th</sup> and reached consensus on ~~a the following~~ strategy for enhancing the Commission's involvement; which was subsequently approved unanimously by the Planning Commission at its February 4, 2008 work session.

This strategy primarily focused on the Area Planning process and referred to Planning Committee members. The Executive Committee reviewed the strategy at their November 18, 2013 meeting and agreed the strategy should be broadened into a policy which incorporates all staff initiated processes which include Citizen Advisory Groups. This revised policy is below:

1. **The Chair ~~and Vice-Chair~~ of the Planning ~~Commission~~Committee ~~will~~ould be responsible for coordinating the public involvement of the Planning Commission on ~~area plans and other~~ major planning initiatives.** ~~The y-Chair of the Planning Committee ~~will~~ould be responsible for:~~
  - a. **Working with staff to identify upcoming opportunities for Commission involvement.** Staff ~~will~~ould contact the Chair of the Planning ~~Commission~~Committee at least 30 days prior to the kick-off meeting to discuss potential involvement of the Commission. Additionally, the Chair ~~and Vice-Chair~~ of the Planning ~~Commission~~Committee ~~would~~ will be responsible for proactively looking for potential opportunities on the public outreach calendar, city manager's monthly report, and Planning website, as well as regularly talking with key staff, including the Executive Services Coordinator (Cheryl Neely).
  - b. Appointing and maintaining Commission representation on area plans and other initiatives. The Chair and Vice-Chair will assign a 2-person team (one Planning Committee member and one Zoning Committee member to each initiative. The assignments will be made in consideration of the committee rotation schedule. And, if for some reason, the Commissioners assigned are unable to complete their assignment, the Chair and Vice-Chair will be responsible for re-assigning this duty.**
  - c. Recommending alternative involvement strategies as needed. The Chair of the Planning Commission will recommend an alternative approach to that specified here in for Commissioner involvement if needed to address specific circumstances.**
  - b.d. Providing reports to the Commission. Assigned Commissioners will provide The Chair of the Planning Committee would reports from public meetings and**

Formatted: List Paragraph, No bullets or numbering

Formatted: Indent: Left: 0.75", No bullets or numbering

Citizen Advisory Group meetings bi-monthly at the Commission work sessions and ~~at~~ Executive Committee meetings as needed.

~~c. Appointing and maintaining Commission representation on each area plan.~~  
~~In consultation with the Commission Chair, the Chair of the Planning Committee would assign a 2-person team of Planning Committee members to each area plan. The assignments would be made in consideration of the committee rotation schedule. And, if for some reason, the Commissioners assigned to an area plan were unable to complete their assignment, the Chair of the Planning Committee would be responsible for re-assigning this duty.~~

~~d.e.~~ **Recommending alternative involvement strategies as needed.** The Chair of the Planning ~~Commission~~ ~~Committee~~ would recommend an alternative approach to that specified here in for Commissioner involvement if needed to address specific circumstances.

~~e.f.~~ **Making a recommendation to the Executive Committee for special initiatives.**  
Some planning initiatives will require that the Commission's involvement be more specialized. Examples of such initiatives are the Zoning Ordinance Process ~~The Centers, Corridors & Wedges Growth Framework~~ and the Area Plan Policy Assessment ~~General Development Policies~~. For ~~these~~ is types of planning initiatives, the Chair and Vice-Chair of the Planning ~~Commission~~ ~~Committee~~ ~~will~~ ould consult with ~~the Commission Chair and with staff and provide a recommendation to~~ the Executive Committee and Planning staff regarding the Commission's involvement.

Formatted: Indent: Left: 0.75"

2. **It ~~will~~ be mandatory for all assigned Commissioners to attend public "kick-off" meetings for the initiative. Also, it will be mandatory for Planning Committee members to attend the public "kick-off" meeting for area plans** – Attendance at these meetings would count as part of the Commissioner meeting attendance requirement. However, the Chair or Vice-Chair of the Commission of the Planning Committee ~~may~~ ould recommend that for any particular plan/initiative that this not be required if specific circumstances warranted ~~ed~~ an alternative approach.
3. **Assigned Commissioners assigned to area plans would will attend public and Citizen Advisory Group meetings and report back to the full Commission or Planning Committee.** – At least one member of the 2-person team assigned to each ~~initiative~~ area plan would will represent the Planning Commission at each "community" meeting. The role of the ~~Commissioner~~ ~~Committee members would will~~ be to attend the meetings, listen to the discussion and keep the full Commission ~~Planning Committee~~ apprised of progress, successes and challenges. The team ~~will~~ ould be responsible for providing a report at the work session following the "community" meeting. Also, Planning Committee members will be responsible for providing a monthly report as part of the regular Planning Committee meeting agenda. Commissioners should use the "Area Plan Meeting Report" document as a guide to capture the type of information to report back. Generally, the This report should would include standard items such as: 1) number of meeting attendees and who they represented; 2) topics discussed; 3) key issues 4)

consensus reached; 5) key unresolved issues-; and 6) next steps/schedule. (~~See attached “Area Plan Meeting Report”~~)

4. All Commissioners, ~~and~~ particularly those on the Committee assigned to review and make recommendations on the initiative~~Planning Committee members, will~~would be encouraged to attend public meetings held as part of any planning area plan process.
5. The role of Commissioners in the public input process~~plan development~~ versus the plan review & adoption process ~~will would be clarified~~. – Because Commissioners will ultimately be the ones reviewing and making a-recommendations~~on the plan~~, it will be important that it is always clear to the public that the Commissioners are present to hear the discussion and gain a better understanding of the issues and concerns, not to influence the outcome.

~~Staff will prepare and update a Master List of Area Plans that will be provided to the Chair of the Planning Committee and updated on an as-needed basis. (See list attached)~~